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ABSTRACT

In 1991-92, there were two strikes at community colleges in Illinois. Interviews were conducted with representatives of the faculty unions and management at both colleges, regarding the relationship between negotiation processes and strikes. Study findings included the following: (1) both management and union spokespersons felt that strikes represented a failure in negotiation processes; (2) respondents seemed to agree that neither negotiating team will settle until it understands the realities of what are important for the other; (3) the role of the chief spokesperson, methods by which negotiation teams are selected, and team composition differ significantly between union and management; and (4) generally, the union invests more time and persons in preparing for negotiations, involving subcommittees and professional field consultants; management does not invest time and resources in preparing. Based on the interviews, it was recommended that trustees (if they are involved in the negotiations) let the chief spokesperson do the talking, rather than sending mixed messages; that trustees and administrators spend the time to understand fully the union's proposals; and that management bring its own proposals to the table. In addition, it was recommended that a strong working relationship be developed before negotiations get underway; that accurate notes be taken; and management that management's chief spokesperson be sensitive to the double-duty being performed by the union spokesperson. (JMC)

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ILLINOIS TRUSTEE

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Higher education negotiations and strikes in Illinois

By Dr. Peter Loehr
and Joan Livingston-Webber
Western Illinois University

During the current academic year, there have been two strikes in Illinois higher education institutions, both at the community college level. This article is based on structured interviews with the chief spokespersons representing both the faculty unions and management. We draw as well on our previous experiences and knowledge.

When the management and union teams really understand what is important for the other -- what the bottom line is -- then settlements occur.

One of us has represented management in educational negotiations since 1973. The other is a professor of linguistics and has spent considerable time studying communications. Thus, this article is written from both a negotiations view and a communications perspective.

The authors certainly do not credit or discredit either the faculty union or the management spokespersons with poor negotiations. In each instance, the spokespersons were sincere professionals attempting to effectively negotiate a labor agreement. They impressed us with their commitment to what was not only best for the institution involved, but also the employees.

This article is addressed primarily to trustees of community colleges in Illinois. The authors respect that trustees represent many groups: students, faculty, staff, administrators, and the community at large. However, particularly during negotiations, trustees are viewed as more closely related to the administrative function of the college.

Findings

The field research we conducted revealed some interesting similarities in the negotiations processes and results for the two Illinois community colleges. Combined with our previous knowledge and experience with negotiations and communications, we offer these findings for the consideration of trustees when their colleges are approaching negotiations.

Are strikes a natural process of negotiations, or do strikes represent a failure in the negotiations processes?

One could assume that labor unions might use strikes as just one more tool in their negotiations toolchest. Yet, when the spokespersons were asked the above question, each one quickly answered a definite "No." Each commented in a similar manner that strikes meant that the negotiations processes failed. Neither of the union spokespersons

continued on page 3

Inside the *Trustee*

Recommendations for board agendas . . . . . p. 5

The other side of the looking glass. . . . . p. 10

COMMUNITY COLLEGES

where learning never ends . . . . . p. 13

Strikes

continued from page 1

was seeking a strike, nor was either of the spokespersons for management.

If neither spokesperson was seeking a strike, why then did the strikes occur?

Each of the four spokespersons used the phrase "reality" when speaking about when an agreement is reached. When the teams really understand what is important for the other -- what the bottom line is -- then settlements occur. Until each side knows what that reality is, neither will settle.

What is the role of the chief spokesperson to his/her team?

Based on our interviews, past experiences, and research, the role of the chief spokesperson differs significantly between union and management. Part of this difference comes from the selection of the team members sitting at the table.

For management teams, usually the president or the spokesperson selects the team members, or they confer and mutually decide on the team members.

On the other hand, the team members for the union are often selected as though they represented departments (e.g. faculty from English, history and math). In fact, in some instances the union team members are elected by the union membership, which may (or may not) result in persons with knowledge and skills in negotiations.

Management teams typically include persons with expertise in the budget, contract administration, and someone with a long-term view of the organization. Management spokespersons also frequently indicated that it is important to get team members who work well together and come to decisions quickly and without lengthy arguing among the team members.

Thus, because of the ways the teams are put together, the union team is more likely to represent special interests, whereas the management team will be more unified.

This poses a double job for the union spokesperson. Not only must s/he convince the management spokesperson of the value of the union's proposals, but must also later convince the team members of the persuasive reasonings from management. On occasion, management spokespersons must assume a similar double role in regard to board members.

What kinds of preparation did each team conduct prior to beginning formal negotiations?

The answer to this question differs markedly between the union and management teams. Generally, the union invests more time and persons in preparing for negotiations. Subcommittees representing various interests analyze the current contracts, gather comparative salary data, and use professional field consultants to review proposals for language.

Because of the ways the teams are put together, the union team is more likely to represent special interests, whereas the management team will be more unified.

Management, on the other hand, does not typically invest the time or resources in preparing. Often the chief management spokesperson is the only primary analyst and initial writer of proposals, sometimes then reviewed by legal counsel.

Recommendations

We offer the following recommendations for improving negotiations for community colleges. These particular recommendations are intended to benefit trustees and administrators, although what benefits management in making negotiations more successful (meaning, less strike-prone) may also benefit the union.

1. If trustees are directly involved in negotiations, let the chief spokesperson do the talking -- both at the table and away from the table. Unions receive mixed messages when trustees comment on negotiations (and what they individually want or stand for), especially when such statements are different from what the chief spokesperson has said at the table.

2. Trustees and administrators should spend some

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Strikes

continued from previous page

time in serious study to determine what the union really means by its proposals. What was the cause for each item brought to the table? What does the union absolutely want from management in response to each proposal?

The trustees and administrators should also answer the same questions for their own proposals and counters. When unrealistic positions are taken by either side, the negotiations simply cannot proceed.

3. To facilitate the give-and-take of negotiations, management should bring some proposals to the table. Give-and-take is difficult when there is nothing to give up in response to the union's giving up of one of its proposals. Yet, the proposals offered should have a reasonable purpose to justify their initial presentation -- so they are neither presented nor perceived as bad-faith bargaining.

A thorough analysis of the prior negotiated agreement, with broad-based input from college administrators, is often helpful to identify possible areas needing change. We certainly recommend that more than one or two persons be actively involved in preparing areas for initial proposals.

4. Actually achieving give-backs in fringe benefits, leaves, and especially hospitalization are quite difficult and apparently require an especially strong working relationship between the union and college administrators long before contract negotiations are underway. It seems to us that a significant amount of trust developed over a long time is necessary to foster understanding on this topic. Hospitalization is especially sacred for employees and, even with trust established, any change will be initially resisted with great vigor.

5. During sessions, negotiations should keep accurate written notes of what was proposed, countered, and discussed. As negotiations come to an end -- and the difficult items are finally being settled -- be sure that each side knows exactly what the counter-proposals are. Relying on verbal discussions concerning wage increases or changes in hospitalization policies is begging for misunderstandings and delayed ratification.

6. The management's chief spokesperson should remain sensitive to the double-duty that the union spokesperson has. That person's most difficult task, even at the table, may be to sell his/her team on giving up or modifying some of their initial proposals.

Although teams may disagree during the negotiations processes, they should avoid becoming disagreeable with each other -- both among themselves and with the persons across the table. The spokespersons we interviewed exemplified honorable intentions -- strong professional ethics and desires to peacefully settle negotiations. We have tried to honor these intentions in formulating our recommendations.

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Suggestions for negotiations

- Let the chief spokesperson do the talking -- both at the table and away from the table.
- Determine what the union really means by its proposals.
- Facilitate the give-and-take of negotiations by bringing some proposals to the table.
- Develop a strong working relationship with the union long before contract negotiations are underway.
- Keep accurate written notes of what was proposed, countered, and discussed.
- Remain sensitive to the double-duty that your chief spokesperson has. That person's most difficult task, even at the table, may be to sell his or her team on giving up or modifying some of their initial proposals.

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